



Docket No.: 198399US2PCT

**OBLON**  
**SPIVAK**  
**McCLELLAND**  
**MAIER**  
**NEUSTADT**  
**P.C.**

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/647,920

Applicants: Kazunori OBATA, et al.

Filing Date: October 13, 2000

For: RADIO LINE ALLOCATION JUDGING METHOD IN  
MOBILE COMMUNICATION SYSTEM AND RADIO  
LINE CONTROLLER

Group Art Unit: 2681

Examiner: SMITH, SHEILA B

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 C.F.R. § 1.181**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Marvin J. Spivak

Registration No. 24,913

Joseph Scafetta, Jr.

Registration No. 26,803

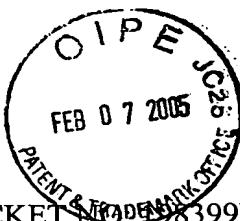
Ronald A. Rudder, Ph.D.

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22850

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DOCKET NUMBER 98399US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KAZUNORI OBATA, ET AL : EXAMINER: SMITH, SHEILA B.  
SERIAL NO: 09/647,920 :  
FILED: SEPTEMBER 13, 2000 : GROUP ART UNIT: 2681  
FOR: RADIO LINE ALLOCATION :  
JUDGING METHOD ...

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Under 37 C.F.R. § 1.181(a)(1), Applicants can petition the director from any action or requirement of any examiner in the ex parte prosecution of an application.

In the present case, filed with the present application was a Request for Consideration of Documents Cited in the International Search Report. A copy of this document is attached herewith along with the date-stamped filing receipt.

M.P.E.P. § 609 C(2) requires that:

The examiner will consider the documents cited in the international search report in a PCT national stage application when the Form PCT/DO/EO/903 indicates that both the international search report and the copies of the documents are present in the national stage file. In such a case, the examiner should consider the documents from the international search report and indicate by a statement in the first Office action that the information has been considered. There is no requirement that the examiner list the documents on a PTO- 892 form.

In the present case, there has been no indication that the examiner has considered the documents cited in the International Search Report. The attached Notification of Acceptance shows that copies of the International Search Report and the references cited therein were

Application No. 09/647,920  
Petition under 37 C.F.R. § 1.181

received at the U.S. Patent and Trademark Office. Accordingly, Applicants respectfully request that the examiner consider these documents and acknowledge this consideration by (1) issuance of a Supplemental Notice of Allowance, and/ or (2) listing those references on a PTO-892 form.

Lastly, there has been no acknowledgement from the examiner that the certified copies of the priority documents, filed with the International Bureau, have been received. The enclosed Request for Priority, filed with the application, reports the receipt of the certified copies by the International Bureau by the filed PCT/IB/304 form, attached herewith. Applicants request that acknowledgment of receipt of the certified copies be made on a Supplemental Notice of Allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



\_\_\_\_\_  
Gregory J. Maier  
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**Registration No. 26,803**

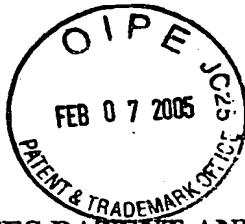
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GJM:RAR:clh

Enclosures: Request for Consideration of Documents Cited in the International Search Report, Notification of Acceptance, Request for Priority, PCT/IB/304, Date Stamped Filing Receipt

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DOCKET NO.: 198399US2PCT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Kazunori OBATA, et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HEREWITH

INTERNATIONAL APPLICATION NO.: PCT/JP00/00846

INTERNATIONAL FILING DATE: 16 February 2000

FOR: RADIO CHANNEL ASSIGNMENT JUDGEMENT METHOD AND RADIO CHANNEL CONTROL DEVICE IN MOBILE COMMUNICATION SYSTEM

**REQUEST FOR PRIORITY UNDER 35 U.S.C. 119  
AND THE INTERNATIONAL CONVENTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In the matter of the above-identified application for patent, notice is hereby given that the applicant claims as priority:

<u>COUNTRY</u>	<u>APPLICATION NO</u>	<u>DAY/MONTH/YEAR</u>
JAPAN	11/37523	16 February 1999
JAPAN	11/51227	26 February 1999

Certified copies of the corresponding Convention application(s) were submitted to the International Bureau in PCT Application No. PCT/JP00/00846. Receipt of the certified copy(s) by the International Bureau in a timely manner under PCT Rule 17.1(a) has been acknowledged as evidenced by the attached PCT/IB/304.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



22850

**COPY**

Marvin J. Spivak  
Attorney of Record  
Registration No. 24,913  
Surinder Sachar  
Registration No. 34,423



11/11/00  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647920	OBATA	K 198399US2PCT
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT FOURTH FLOOR 1755 JEFFERSON DAVIS HIGHWAY ARLINGTON, VA 22202		INTERNATIONAL APPLICATION NO.
		PCT/JP00/00846
I.A. FILING DATE		PRIORITY DATE
16 FEB 00		16 FEB 99

DATE MAILED: 09 NOV 2000

**NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495**

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as  a Designated Office (37 CFR 1.494),  an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.
2. The United States Application Number assigned to the application is shown above and the relevant dates are:

13 OCT 2000	13 OCT 2000
35 U.S.C. 102(e) DATE	DATE OF RECEIPT OF 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3.  A request for immediate examination under 35 U.S.C. 371(f) was received on 13 OCT 2000 and the application will be examined in turn.

4. The following items have been received:

U.S. Basic National Fee.

Copy of the international application in:

a non-English language.

English.

Translation of the international application into English.

RECEIVED

NOV 16 2000

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Oath or Declaration of inventors(s) for DO/EO/US.

Copy of Article 19 amendments.  Translation of Article 19 amendments into English.

The Article 19 amendments  have  have not been entered.

The International Preliminary Examination Report in English and its Annexes, if any.

Copy of the Annexes to the International Preliminary Examination Report (IPER).

Translation of Annexes to the IPER into English.

The Annexes  have  have not been entered.

Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

Assignment document.

Power of Attorney and/or Change of Address.

Substitute specification filed \_\_\_\_\_.

Verified Statement Claiming Small Entity Status.

COPY

## PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

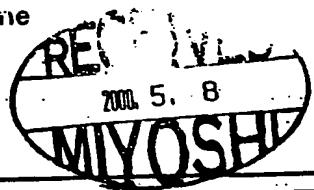
(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year) 20 April 2000 (20.04.00)			
Applicant's or agent's file reference JNTTD-39-PCT	<b>IMPORTANT NOTIFICATION</b>		
International application No. PCT/JP00/00846	International filing date (day/month/year) 16 February 2000 (16.02.00)		
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 16 February 1999 (16.02.99)		
Applicant NTT MOBILE COMMUNICATIONS NETWORK, INC. et al			

From the INTERNATIONAL BUREAU

To:

MIYOSHI, Hidekazu  
9th Floor Toranomon-Daiichi  
Building  
2-3, Toranomon 1-chome  
Minato-ku  
Tokyo 105  
JAPON



1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
16 Febr 1999 (16.02.99)	11/37523	JP	07 April 2000 (07.04.00)
26 Febr 1999 (26.02.99)	11/51227	JP	07 April 2000 (07.04.00)

COPY

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. (41-22) 740.14.35	Authorized officer  Marc Salzman  Telephone No. (41-22) 338.83.38	
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O.S.&M. File No. 198399US2PCT By MJS/cs FF Due Date 10/16/00

Serial No. New U.S. PCT Application based on PCT/JP00/00846

In the Matter of the Application of Kazunori OBATA, et al.

For RADIO CHANNEL ASSIGNMENT JUDGEMENT METHOD AND  
RADIO CHANNEL CONTROL DEVICE IN MOBILE  
COMMUNICATION SYSTEM

The following has been received in the U.S. Patent Office on the date stamped hereon:

27 pgs. Specification 10 Claims (English Translation)  Sequence Listing  
 Combined Declaration, Petition & Power of Attorney (4 pages)  
 Petition of Revive Under 37 C.F.R. 1.137 (b)  
 Notice of Priority;  
 Check for \$ 940.00;  Dep. Acct. Order Form  
 Assignment \_\_\_\_\_ pages/PTO-1595  
 Drawings 7 sheets  
 PCT Transmittal Letter  
 Preliminary Amendment  
 PCT/IB/304  PCT/IB/308  
 International Preliminary Examination Report  
 Information Disclosure Statement;  PTO-1449  
 Cited References ( )  
 Statement of Relevancy  List of Related Cases  
 International Search Report  
 Request for Consideration of Documents Cited in International Search Report  
 Letter Regarding Translation of Annexes  
 Translation of Annexes to International Preliminary Examination Report

SERIAL NO. 09/647920

DATE REC'D 90 Rec'd PCT/PTO 13 OCT 2000

SMALL ENTITY IS CLAIMED

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